

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: May 28, 2002

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Dini Healy-Coffin, Chris Romeo, Robert McCusker,
Robert Jefferies, Allan Loiselle

Open Forum

Elizabeth Michaud, 11 Beaver Dam Drive, expressed interest in the Board's suggestion to have a table set up at the Strawberry Festival to provide information to the public regarding vacancies on various town committees. Michaud to contact the small group of residents who also expressed interest.

McCusker thanked Paul Murray, the veterans and residents of Westford for the Memorial Day parade and celebration.

Joint Meeting with the Library Trustees to Appoint Member to Library Trustees

Veronica Whitehouse, Chairman, Bob Price, Sam Frank, Sandy Kelly and Paul Royte were present seeking to fill the vacancy created by the resignation of Susan Flint. It was moved by Whitehouse, seconded by Romeo, and VOTED UNANIMOUSLY, to nominate David Daniel to fill the one year unexpired term. Daniel explained his background and desire to be a Library Trustee. Healy-Coffin thanked Susan Flint.

Licenses and Permits

Appointment of Douglas Deschenes to Affordable Housing Committee

It was moved by McCusker, seconded by Romeo, and VOTED UNANIMOUSLY, to appoint Douglas Deschenes to the Affordable Housing Committee. Romeo stated that Deschenes has attended a number of Affordable Housing Committee meetings and will be helpful as an attorney in town and for developers. Romeo

urged any residents interested in serving on the committee to submit a citizen application to the Town Manager's office.

One Day License Celebrations Distinctive Catering – St. Catherine's Church Social – June 14, 2002. It was moved by Jefferies, seconded by McCusker, and VOTED UNANIMOUSLY, to approve.

Board Reports/Updates

Minutes Published on the Town Web Page – Romeo suggested that the Board's minutes be published on the Town Web Page so that residents can read about the meetings. The Board concurred. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to allow the process to occur of publishing minutes to the Town's Web Page once the minutes are approved. Loiselle suggested asking the Chairmen of other Town Boards and Committees to also publish their minutes.

Public Hearing – Dog Complaint – Dog Owned by Dirk Whiting, 14 Carlisle Road

Healy-Coffin opened the public hearing at 7:45 p.m. Ledoux swore in Mike Harrington, Animal Control Officer; Tim Whitcomb, Assistant Animal Control Officer, Dirk Whiting, Eric Whiting and Karen Gendron.

Karen Gendron, 2 Melissa Drive, referenced her letter of April 24, 2002 to the Board of Selectmen requesting the removal of Whiting's Rottweiler. Gendron explained that on Saturday, April 20, 2002, the Rottweiler entered her yard and attacked her 2 year old Cocker Spaniel. Gendron stated that she received a wrist injury attempting to rescue her dog. Gendron also explained that her dogs are show dogs and that she has spent many hours training them to be comfortable around strange dogs. Gendron stated that Whiting's Rottweiler also urinates along her property line and has killed plantings. Gendron stated that she fears another attack will occur. Gendron stated that this is the second attack by the same dog. Gendron stated that her dogs are always leashed and with a family member. Gendron stated that when the Rottweiler is penned, he barks constantly. Gendron felt that the Rottweiler was a serious safety issue that could become a liability for the Town. Gendron showed photographs of her dogs, her property and her wrist injury. Gendron was not sure if her wrist injury was caused by a dog bite or a leash. Harrington reported that in October 2000, the Whiting dog trespassed onto the Gendron property. There was no contact at that time. Harrington stated that the first time leash law violation is a warning. The second incident occurred two years later. Harrington felt that if the dog wanted to do damage, he would have done so. Harrington believed the wrist injury was caused by a leash. Harrington reported that Whiting was fined \$100 for the leash law violation. Harrington also reported that there have been no other complaints or issues regarding Whiting's dog. Harrington stated that the dog is on a 6 month quarantine and can only be outside on a 6 ft. leash with a family member. The quarantine will be lifted on October 20, 2002. Harrington stated that he spoke to Mrs. Gendron once and Whitcomb spoke to her three times. Harrington felt that the Whiting dog was not dangerous and was possibly playing with the

other dogs. Loiselles noted that the veterinarian recommended muzzling the dog. Harrington stated that many dogs get muzzled at the veterinarian's office for many reasons. Romeo asked Harrington for his recommendation. Harrington recommended the dog be kept in the 14'x14' kennel run and if barking becomes an issue while the dog is outside a barking collar can be used. Dirk Whiting, 14 Carlisle Road, stated that the dog was muzzled at the veterinarian's office because the Veterinarian had never seen the dog before and because the dog is large. Whiting distributed a letter to the Board from his Veterinarian, David Carlson. Healy-Coffin read the letter which stated that no muzzling was required for shots, examination or nail trimming. Whiting stated that the dog did not break its chain but that Whiting did not clip the chain to the collar properly. Whiting stated that the dog has never done any damage to any other animals. Whiting stated that if the dog were vicious, he would not keep the dog. Whiting believed that this issue was due in part to the removal of Whiting's 6 ft. high stockade fence between the properties. Romeo noted that Gendron's letter had a copy to Attorney Richard deMont. Romeo asked Gendron if this matter was in active litigation. Gendron stated that litigation is pending the outcome of this meeting. Eric Whiting (Dirk's father) rebutted several items in Gendron's presentation in particular the issue regarding the removal of the stockade fence. Whiting submitted photographs and a letter to the Board and requested that the Board review all documentation. Healy-Coffin outlined the Board's options. Gendron asked why no action was taken nor response provided regarding her letter of November 2000. Ledoux stated that the Dog Officer felt that the November 2000 incident was isolated and that no other action was needed. Ledoux addressed the State statute regarding dog violations. Gendron asked why the Dog Officer did not have a record of the several messages she left.

Harrington stated that he handled the November 2000 incident. Whitcomb stated that he was paged by the Police Department regarding the April 2002 incident and spoke to Gendron three times. Harrington stated that there are certain guidelines and bylaws that they must follow. Loiselles noted that this seems like neighbor versus neighbor and admonished Harrington and Whitcomb to take careful notes of any conversations. Loiselles asked Whiting to "dog proof" his backyard as much as possible. Loiselles also asked Whiting and Gendron to work out a resolution and not let this matter escalate. Harrington stated that the pen is strong enough to contain the dog and if needed the barking collar can be instituted. Whiting felt that electrical barking collars can make a dog mean. Harrington stated that the collars can be set for different stimulation levels. It was moved by Romeo, seconded by McCusker, and VOTED UNANIMOUSLY, to keep the hearing open for six (6) months and when the dog is in the pen, the barking collar be used. This matter to be readdressed in six months.

Meeting with Lyle Kirtman of Future Management to Discuss Team Building

Lyle Kirtman of Future Management gave an overview of the problem solving exercises in order to have more open and honest communication between board members. The cost of the team building exercises is \$5,000 which would include

other town boards. Ledoux stated that there is money available in the Selectmen's budget. McCusker stated that Kirtman's proposal sounded intriguing but that he had a problem spending \$5,000 in a very tough budget year. McCusker felt that the money should be used elsewhere. Jefferies stated that the town is going into a period of looking at a budget deficit. Jefferies felt that the money would be well invested to have all the boards working together as a team. Loiselle felt that if it helps boards function together for a common goal, then the money is well spent. Loiselle asked if there was anything the Board could do to increase the relationship with the voters. Kirtman stated that credibility and image leads into the goal setting process and connects voters into the process. Healy-Coffin stated that she would like to see the Board and other boards work together as a team and spread out to the voters. Healy-Coffin also wanted to work toward better communication. Romeo was concerned with spending \$5,000 for the team building exercises. Romeo felt that the Board was working toward better communication by having the Town Manager provide input to the Board from the monthly department head meetings; having all meetings open to the public; and publishing minutes on the Town's web site.

Jefferies stated that the Permanent School Building Committee did a similar exercise back in 1988 and that the Committee has functioned extremely well since then because of the training. Jefferies also stated that 5 of the original members are still on that Committee. Romeo stated that he wanted to keep the diversity of opinion of the Board. It was moved by Loiselle, seconded by Jefferies, and VOTED 4 IN FAVOR with 1 OPPOSED (McCusker), to retain Future Management Systems to perform professional services for the Board of Selectmen team building. McCusker stated that he was opposed because he felt that the money could be better spent elsewhere. McCusker stated that he has done training in the past and noted that it is important to have openness between people.

Meeting with the Planning Board and Conservation Commission to Discuss Vacancies in the Planning Department and Assistant Town Manager

Mike Green, Andrea Peraner-Sweet and Bob Shaffer of the Planning Board, Eric Fahle and Mary Trubey of the Conservation Commission, Bill Turner, Conservation Administrator and Jeff Chelgren, Assistant Town Manager, were present to discuss the vacancies in the Planning Department and Assistant Town Manager. The Town Planner will be vacating his position in August. The Assistant Town Manager has resigned effective May 31, 2002. Ledoux distributed an organization chart structure. Ledoux stated that the Town Manager needs to have a close relationship with the Land Use function of the Town. Ledoux recommended the immediate recruitment of the Assistant Town Manager, Town Planner and Planner I positions. Green felt that it was critical to fill both the Town Planner and Planner I positions as soon as possible for the day to day work reviewing applications and for town-wide planning issues. Romeo asked if some of the positions could be consolidated. Green felt that combining the positions would be difficult given the priorities of the positions. Green also

felt that a full-time Planner was necessary for the Planning Board to function effectively. Chelgren suggested combining the Conservation Technician and the Planner I positions to serve both the Conservation Commission and the Planning Board. Ledoux stated that those positions are at different pay bands and would have to go back to Town Meeting. Fahle stated that the Conservation Commission has discussed this issue and felt that both positions are needed full-time. Fahle stated that Bob Williams, Conservation Technician, wants to stay in the conservation field. Green felt that merging the positions would not serve either Board well. Loiselle felt that the Land Use Director was a key position to be filled. Loiselle suggested trying to consolidate the positions and spread out the extra work. Loiselle also suggested keeping the Planner I position open but try to work without the position being filled at this time.

Ledoux noted that the Director of Land Use Management position no longer exists and that only Town Meeting can create that position. McCusker requested reviewing the specific job descriptions to determine if those positions can be consolidated. Ledoux suggested advertising for an Assistant Town Manager with a planning background. Ledoux recommended a screening committee be established to interview candidates. The Board agreed that Ledoux should begin advertising for the Assistant Town Manager and Town Planner positions and put the Planner I position on hold. Ledoux stated that due to the hiring freeze caused by the uncertainty of Local Aid, the Board must make a policy decision when critical positions need to be filled. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, that 2 of the 3 positions are critical (Assistant Town Manager and Town Planner). Green asked that the existing job description for the Town Planner position be used. Ledoux reported that at the Annual Town Meeting, the voters approved the hiring of a Water Treatment Plant Operator. Ledoux stated that the Water Department would like to start recruiting as soon as possible and have asked the Board to lift the hiring freeze for this position. McCusker felt that Town Meeting had lifted the hiring freeze by approving the position. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to allow the position to be filled. Leslie Thomas, Water Commissioner, reported that the two new water treatment plants are coming on line soon. The position must be started at \$60,000. Thomas stated that the position needs a learning curve during the installation of the equipment

Highway Superintendent to Discuss Pleasant Street Bridge Detour

Richard Barrett, Highway Superintendent, was present to discuss the Board's concerns from the meeting of May 21, 2002 regarding the signage at the Pleasant Street bridge. Barrett reported that Mass Highway has determined deficiencies regarding the bridge supports. Mass Highway suggested shutting down the bridge. Barrett suggested a truck restriction instead to try to keep the bridge open as long as possible. Mass Highway will be making an assessment sometime between now and the first week in June. Barrett stated that he worked out the detour route and placed two flashing message boards at the bridge location. Barrett planned to leave the message boards in place until Mass Highway re-inspects the bridge and determines that the 3-ton limit is working. Barrett stated

that he is currently renting 6 message boards at \$600 per week per sign or \$1,300 monthly. The Highway Department is using 2 signs and the Water Department is using 4 signs. Barrett stated that Mass Highway will be using Mass Highway funds for the design and repairs of the bridge. Barrett has been keeping Rep. Hall and Senator Panagiotakos informed in case State funding is needed. Barrett stated that the Police Department is cooperating by ticketing vehicles that are not allowed by the restriction. Romeo suggested that the Police Department bring back the request for a message board at Fall Town Meeting. Healy-Coffin asked Barrett if a different type of sign could be used. Barrett stated that the flashing message board is very effective in alerting drivers of a detour in a timely fashion.

Discussion of Horsehead Enterprises Land Donation to the Town

Bill Turner, Conservation Administrator, was present to discuss Robert Hicks' request to retain the water rights to Parcel B in the Beaver Brook Estates subdivision. Turner stated that Hicks has agreed to waive any water and mineral rights on Parcels A and 7 True Bean Way. Turner stated that Hicks may establish a well site and has agreed to indemnify the Town for any damages that might occur in the exercise of those water rights. Turner felt that this was a good compromise and asked the Board for direction to move forward. McCusker was concerned that there may be less water for the Town given the location of the Town's aquifer. Turner stated that there are permitting requirements that must be met before putting in wells. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve.

Licenses and Permits, continued

Class II License, Phase II Autobody, 130 North Main Street – Attorney Paul Alphen was present for the applicant, James Beckwith, seeking a limited Class II License. The License to be limited to no more than (2) vehicles for sale at any one time and would not constitute a change of use nor site plan approval. There will be no alteration or construction to the existing building. Romeo noted that the home address on the application was incorrect. Alphen to correct. Bill Sweeney, New Car Concepts, spoke in favor of the applicant stating that Beckwith runs a neat, clean, honest, reliable business and has an excellent reputation. It was moved by McCusker, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve.

Transfer of All Alcoholic License from Robert Moran to Westford Grille, Inc., 142 Littleton Road and Change of Manager – Attorney Paul Alphen was present for the applicant seeking a transfer of the All Alcoholic License from Robert Moran to Westford Grille Inc., and change of manager from Robert R. Moran to Stanley Loring. It was moved by McCusker, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the Transfer of All Alcoholic License and Change of Manager.

Transfer of Liquor License from Harvard Restaurant Group to 99 Boston, Inc., 333 Littleton Road - Attorney Joseph Tarby was present for

the applicant seeking a transfer of the liquor license from Harvard Restaurant Group (Oaken Bucket) to 99 Boston, Inc. Tarby outlined the proposed revisions to the interior of the facility with 194 seats, and 14 seats at the bar. All issues have been resolved with the owners of the Oaken Bucket. McCusker asked Ledoux if the Town had received any complaints regarding gift certificates not be fulfilled. Ledoux stated that the Town has received no complaints. Loiselle noted that the CORI report for Dana G. Doe lists prior convictions. Tarby stated that the convictions are over 15 years old and that Doe has received clearance from the ABCC. Tarby stated that they will be back before the Board in approximately three weeks for a Change of Manager to Julie Wells. Romeo stated that he spoke to the Police Chief regarding Doe's CORI report and the Chief agreed that the matters were over 15 years ago and have been dismissed by the court. It was moved by McCusker, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve.

Request to Archery Hunt Deer on Town Property – Healy-Coffin read the request from Darren Lee, 180 Bolton Street #2, South Boston and Bruce Sheridan, 15 Autumn Lane, Merrimack, New Hampshire, to archery hunt deer on town-owned property. McCusker recommended that the Board consider a policy to hunt on town-owned property by way of public hearings which would give the board control and allow the Town an opportunity for revenue. Diane Holmes, 59 Lowell Road, stated that many years ago the issue of banning hunting was addressed but the State requires that a town cannot ban hunting. Holmes noted that a bow is not considered a firearm. Holmes asked if the Board had given thought to having a limited control hunt for all types of bow hunters. Loiselle recommended getting input from the neighbors and wildlife experts particularly due to the loss of habitat when the new golf course is completed. McCusker recommended having a public hearing on this request and having a Fish and Game representative present to discuss herd management. Ledoux stated that Conservation Commission should also have input. Bob Shaffer, 10 Blake's Hill Road, was concerned with setting a precedent by approving this request. Shaffer was also concerned with safety issues for residents using the site for passive recreation as well as abutters. Shaffer felt that the public hearing process was appropriate. Jefferies stated that education was needed for both hunters and residents since hunting has been banned. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to deny the request to hunt on the two parcels of town-owned land. Jefferies recommended inviting Fish and Game representatives to a meeting to address future problems. It was moved by McCusker to have a public hearing on this issue for hunting on town-owned land and include a representative from Fish and Wildlife. Jefferies asked to have a meeting with Fish and Wildlife first. McCusker amended his motion. It was moved by McCusker, seconded by Jefferies, and VOTED 4 IN FAVOR with 1 OPPOSED (Romeo), to invite Fish and Wildlife representatives to a future meeting.

Old Business/New Business

Request for “no-disturb” buffer at New Town Garage Site – Ledoux referenced a letter from Eric Ekman, Town Planner, regarding a 250 ft. buffer zone requested by the abutters. Jefferies stated that this was over 8 acres of land. Jefferies felt that it was an unreasonable request and that it takes away most of the value of the remainder of the parcel. It was moved by Jefferies, seconded by Loiselle, to deny the request. Romeo suggested tabling the matter and inviting the abutters to a future meeting for a discussion. McCusker agreed. Healy-Coffin read the letter from Ekman. Paul Alphen, Chairman of the Highway Garage Site Committee, stated that the matter of the garage has been on the Planning Board agenda since January. Alphen stated that the abutters are concerned with the future uses of the site. Alphen stated that Doug Deschenes, abutter and representative for other abutters, asked the Planning Board to consider a buffer much like the 250 ft. buffer at the Villages at Stone Ridge. Alphen stated that the Planning Board has not acted on the request for the buffer or the site plan. Jefferies felt that approving the request would set a precedent for other town developments. Jefferies also felt that by approving the request the Board would not be acting responsibly on behalf of the Town by giving away 8 acres of land that could be developed in 20 or 30 years. Jefferies stated that he had no problem with the Planning Board working out a buffer zone of some kind but not a buffer of 250 feet. The Board concurred. The Board did not vote on Jefferies’ motion to deny. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to recommend denying the 250 foot buffer request but have some kind of buffer.

Summary of Early Retirement Law – Due to time constraints, this matter was continued to the next meeting.

Correspondence

Due to time constraints, this matter was continued to the next meeting.

Motion to Go Into Executive Session

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to go into Executive Session at 10:55 p.m. for the purpose of discussing pending litigation regarding Whittlesey vs. Zoning Board of Appeals. Ron Johnson and Sam Frank, Zoning Board of Appeals members to attend. A polling of the Board: Healy-Coffin-yes; Romeo-yes; McCusker-yes; Jefferies-yes; Loiselle-yes. The Board to reconvene for the purpose of adjourning.

Open Items

- 5/28-1 Ledoux to provide Board with job descriptions of Town Planner, Assistant Town Manager and Planner I re: possible consolidation of positions.
- 5/28-2 Ledoux to invite representatives of Fish and Wildlife to future meeting to discuss wildlife issues re: loss of habitat.
- 5/28-3 Ledoux to provide summary of early retirement law at next meeting.
- 5/28-4 The Board to address Whiting dog hearing after October 20, 2002.

Adjournment

It was moved by Romeo, seconded by McCusker, and VOTED UNANIMOUSLY,
to adjourn the meeting at 11:10 p.m.

Steve Ledoux, Town Manager

Dini Healy-Coffin, Chairman